

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official Capacity as Secretary of
State of Georgia; *et al.*,

Defendants.

Civil Action File

No. 1:18-cv-05391-SCJ

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW, Defendants, Brad Raffensperger, in his official capacity as Secretary of State of the State of Georgia, the State Election Board, and State Election Board Members Rebecca Sullivan, David Worley, Anh Le, and Matt Mashburn, by and through counsel, and respectfully file this Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 for each of the claims presented in Plaintiffs' Amended Complaint. Doc. No. [41].

Defendants submit that there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law on each of Plaintiffs' claims contained in Counts I – VI of the Amended Complaint Doc. No. [41], pp. 62-85. Specifically, Plaintiffs have failed to identify evidence sufficient to show that a reasonable jury could conclude Defendants

violated any of Plaintiffs' rights arising under (1) the First and Fourteenth Amendments to the U.S. Constitution (Count I); (2) the Fifteenth Amendment to the U.S. Constitution (Count II); (3) the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution (Count III); (4) the Fourteenth Amendment to the U.S. Constitution's guarantee to Procedural Due Process (Count IV); (5) Section 2 of the Voting Rights Act of 1965 (Count V); or (6) the Help America Vote Act of 2002 (Count VI).

In support of this Motion, Defendants rely upon the pleadings and other matters of record, as well as the Statement of Material Facts, Brief in Support of this Motion for Summary Judgment, and the declaration of Chris Harvey, filed contemporaneously herewith.

WHEREFORE, Defendants respectfully request that the Court grant this Motion for Summary Judgment with respect to all of Plaintiffs' claims and that this case be dismissed with prejudice.

Respectfully submitted this 29th day of June, 2020.

/s/ Josh Belinfante
Josh Belinfante
Georgia Bar No. 047399
jbelinfante@robbinsfirm.com
Vincent Russo
Georgia Bar No. 242628
vrusso@robbinsfirm.com
Carey Miller
Georgia Bar No. 976240

cmiller@robbinsfirm.com
Brian Lake
Georgia Bar No. 575966
blake@robbinsfirm.com
Alexander Denton
Georgia Bar No. 660632
adenton@robbinsfirm.com
Melanie Johnson
Georgia Bar No. 466756
mjohnson@robbinsfirm.com
Robbin Ross Alloy Belinfante Littlefield LLC
500 14th Street NW
Atlanta, GA 30318
Telephone: (678) 701-9381
Facsimile: (404) 856-3250

Bryan P. Tyson
Georgia Bar No. 515411
btysen@taylorenglish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenglish.com
Diane Festin LaRoss
Georgia Bar No. 430830
dlaross@taylorenglish.com
Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenglish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
Telephone: 678-336-7249

Christopher M. Carr
Attorney General
GA Bar No. 112505
Brian K. Webb
Deputy Attorney General

GA Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
GA Bar No. 760280
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334
Attorneys for Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT was prepared
double-spaced in 13-point Century Schoolbook font, approved by the Court in
Local Rule 5.1(C).

/s/Josh Belinfante
Josh Belinfante

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT with the Clerk
of Court using the CM/ECF system, which will send e-mail notification of
such filing to all counsel of record.

This 29th day of June, 2020.

/s/ Josh Belinfante
Josh Belinfante
GA Bar No. 047399